

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JOSEPH LAWRENCE CURRY,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 04-175-JJF
)	
GREGORY HOPKINS,)	
)	
Defendant.)	

**PLAINTIFF'S COMBINED MOTION FOR DEFAULT JUDGMENT AND OTHER
SANCTIONS FOR DISCOVERY VIOLATIONS AND MOTION TO COMPEL**

Plaintiff Joseph Lawrence Curry (the "Plaintiff") moves, pursuant to Federal Rule of Civil Procedure 37, for the reasons stated in the Plaintiff's accompanying brief, for the following:

1. An Order compelling the production of documents responsive to Plaintiff's Document Request Nos. 6-8, 18, 20 and 25;
2. An Order compelling a full answer to the Plaintiff's Interrogatory Nos. 6, 8-10;
3. A grant of reasonable expenses to Plaintiff's counsel related to this motion as provided under Fed. R. Civ. P. 37(d)(3);¹ and
4. An Order from this Court granting default judgment in favor of the Plaintiff on the issue of liability; or
 - a. Alternatively, an Order from this Court precluding the Defendant from testifying at trial; or
 - b. Alternatively, an Order compelling the Defendant to attend a deposition within 20 days of this Court's ruling; and/or

¹ A fee affidavit will be submitted to the Court if the Court awards Plaintiff reasonable expenses.

c. Any other sanctions or such other relief as this Court deems warranted.

Date: June 20, 2008	Respectfully submitted, CONNOLLY BOVE LODGE & HUTZ LLP <u>/s/ Brian R. Lemon</u> Brian R. Lemon (#4730) Scott E. Swenson (#4766) The Nemours Building 1007 North Orange Street P.O. Box 2207 Wilmington, Delaware 19899-2207 Telephone: 302-888-6319 Facsimile: 302-658-5614 <u>blemon@cblh.com</u> <u>sswenson@cblh.com</u>
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RULE 7.1.1 CERTIFICATION

I certify that counsel for the Plaintiff attempted to confer by telephone and by written correspondence regarding the merits of this Motion. The details of the Plaintiff's attempts to confer are provided in the Plaintiff's accompanying brief. Accordingly, this Motion is presented to the Court for determination.

/s/Brian R. Lemon
Brian R. Lemon (# 4730)

CERTIFICATE OF SERVICE

I, Brian R. Lemon, Esq., hereby certify that on June 20, 2008, a copy of
**PLAINTIFF'S COMBINED MOTION FOR DEFAULT JUDGMENT AND OTHER
SANCTIONS FOR DISCOVERY VIOLATIONS AND MOTION TO COMPEL**

and accompanying exhibits were caused to be served upon the following:

BY U.S. MAIL AND FACSIMILE

Daniel Griffith, Esquire
Whiteford Taylor & Preston
1220 N. Market Street
Suite 608
Wilmington, DE 19801

/s/Brian R. Lemon
Brian R. Lemon (# 4730)